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THE CELL: A PROBLEM OF PRISON SCIENCE.

CHARLES RICHMOND HENDERSON.1

Prison science, as used in this discussion, means that systematized knowledge which is required as the basis for the treatment of offenders in institutions of correction or in connection with their administration. Evidently prison science as thus limited treats only one part of a system of social defense in relation to anti-social per-For the present we may set aside many topics which are important in relation to the subject, as: the history of the development of social treatment of crime in all its forms; the nature of the offender and the causes of crime in all their aspects; a program of methods of prevention; the principles of criminal law and procedure, as factors in social defense; rural and urban police systems; and the means of correction outside of institutions of correction. It is true that some of these topics are inseparably connected with the institutional treatment of offenders, and they must, therefore, be recognized and described so far as is necessary for the treatment of our subject. The essential feature of the modern treatment of offenders by incarceration is noted in the phrase "deprivation of liberty." (Freitheitsstrafe of the Germans). Prison punishment does not primarily mean torture and slow death, as by starvation, but merely and solely the restriction of liberty of action.

Deprivation of liberty is effective in securing social defense so far as it gives a rational direction and legal restriction to the natural and necessary social reaction against serious injury and wrong. During the time a criminal is shut up, society is protected against his aggressive actions; although, even then, he lives as a parasite at public expense, and relief is transient and imperfect. Furthermore, it is believed that the man himself is dissuaded from committing further anti-social acts by being made to feel through the loss of precious liberty, that the way of the transgressor is hard. The knowledge that crime subjects one to loss of freedom, which nearly all men value highly, is believed to have a deterrent effect on those who are tempted to commit crime. It has value as a factor in protection of order, life and property, although this "general prevention" has often been overestimated. Some would say that the prospect of deprivation of liberty has no deterrent effect; that criminals

¹Professor of Sociology in the University of Chicago, and United States Commissioner on the International Prison Commission.

are reckless, short-sighted, adventurous gamblers, with whom the risk is part of the game. Others declare that certainty and swiftness of punishment do impress the imagination and hold weak and tempted men back from doing acts which are nearly sure to bring them into trouble, and this is the general belief on which courts act. The statistical evidence is not easy to interpret; opinions differ; measurement is impossible. Doubtless the fear of deprivation of freedom acts in a very different way on different types of offenders; the lazy degenerate may actually long for a winter's retreat in a comfortable jail, which an ambitious youth would regard with horror.

THE CELL.

The particular topic of this article is the structure of the prison with special reference to the use of the cell. It is not intended to open up the ancient controversy in regard to the so-called Pennsylvania and Auburn plans, but to inquire how far experience and discussion justify us in making larger use of personal isolation in the system which we have generally adopted in this country. The traditional congregate plan, with all of its abuses, persists in spite of criticism, in our city lockups, county jails and convict camps. In our better prisons and reformatories the community system has been modified by classification and by the use of separate cells at night, so that the worst features have been eliminated; but the primitive and rude methods of former generations continue with slight modifications in the heart of some of our cities and near the offices of the commissioners of health. It is true that, generally speaking, the prisoners are separated in accordance with sex and age, but in many small institutions communication is possible with all the demoralizing effects of such conversation. Idleness and free intercourse with criminals are the two methods by which our counties and states continue to train young men to crime in free schools where the instruction is given by practical offenders. Even in many of the larger prisons it continues to be true that the labor is not carried on in earnest, and that the degrading intercourse is hardly broken by separate cells at night. In the places of detention and in many of the state prisons, beggars, thieves, vagabonds, and other criminals and men of weak character but without criminal disposition are more or less herded together. The picture drawn by Krohne of the primitive prisons applies with much force especially to our jails and lockups: "Gentle simple people from the country and low characters who have passed through all the dirt and filth of a great city present a picture of degradation. There is contempt for the feeble direction of the establishment, unclean wit, obscenity and communication of plans of former crimes or of new ones, deception and trickery used to blind the police and the judge. The life

in many a jail is not altogether monotonous. Each new-comer brings fresh news and material for conversation."

Where the men are busy at their work throughout the day and separated fairly well in individual cells at night, in the ideal Auburn system, this constant process of education in crime is interrupted and its effects diminished. The criticism of the Auburn system made by partisans of the separate system in Europe is not felt to be just by most of the practical wardens of our country, but all of them admit the validity of this criticism when directed against the jails in which there is no work and no means of separating prisoners from each other.

THE SEPARATE SYSTEM.

We have but one distinct example of the separate system in this country, the Eastern Penitentiary of Pennsylvania, and this is by no means conducted as similar prisons are administered in Europe, for example in Belgium. So far as it is crowded and two inmates occupy the same room, the separate system exists only in name. We are not so far committed to our customary system that we can not listen to arguments for the other methods without imputience and prejudice. haps there is something in their methods which we can use without radically abandoning what we believe we have gained. When the European partisans of cellular imprisonment declare that they propose to bring criminal companionship of prisoners to an end, we can understand and sympathize with their purpose. When they declare that they would substitute the companionship of intelligent and upright officers and suitable visitors for the companionship of thieves we commend their intention. We agree with them that the prisoner should be conscious of the earnestness and even the austerity of his punishment, and that he should be educated so far as possible to live the life of a good citizen after his discharge.

Briefly stated, the argument for separation by day and night is as follows: It prevents mutual corruption of inmates and alliances between fellow prisoners for the perpetration of crimes after discharge; it prevents a prisoner who really desires to return to a good position in society from being subject to blackmail by vicious comrades who may recognize him and compel him to purchase their silence or go with them into a confederacy of crime. John Howard and the Society of Friends, following in this the monks from whom the separate system was derived, insisted strongly on the positive advantage of awakening the moral sense of convicts by solitary meditation. Lafayette was skeptical about the value of this factor. Criminals are not wholesome company for themselves, and a man

meditates only on matters which have been habitually in his thoughts and activities when he was free. Change of moral sense in isolation depends on the character of the officers and authorized visitors who come in contact with the prisoner in his lonely cell. It is not easy for the administration to secure enough such persons of the right character to help men to better thoughts. Misguided and sentimental visitors, with no equipment of common sense to ballast their zeal, do more harm than good.

THE GERMAN VIEW.

Dr. Krohne may be taken as a representative of the German opinion in circles of practical administration. While he favors the separate system he would not carry it to extremes. It does not seem to him necessary to have an exercise court for each prisoner, as a large number can walk about in the open, each one at a distance of five to eight steps from the next man, and a mask for the face may be omitted. In church and school it is not essential that a covered wooden stall be provided for each person.

As to the period during which it is safe to combine isolation, opinions differ; Dr. Krohne believes that a man mentally and physically normal may endure this treatment ten years without injury. At the time he wrote,² Belgium established a limit of ten years for solitary confinement; and Italy had the same limit for life prisoners; while Holland had a term of five years; Norway, four; Germany, three; England, two; and France, one year. But the customary term should vary with the character and habits of the people, and in some countries the system of separation would not work well under any plan. Dr. Krohne would make the maximum in countries of northern Europe five years for healthy persons, male or female, since women endure solitary confinement as well as men. If the physician finds in any particular case that separate life injures the health, it must be suspended.

Children under fourteen years and persons above sixty years of age are not proper subjects for the separate system. If normal prisoners ask for separate treatment after the compulsory period they should be permitted to live and work alone. Some time before release each prisoner should be set to work about the halls and in the kitchen or other similar tasks to prepare him gradually for freedom; but all under careful supervision. Nor should the prisoner be discharged absolutely, but pass through probation at large on "provisional release," something like our parole system.

The experts who drafted the Austrian bill for a new criminal code

²Lehrbuch der Gefaengnisskunde, pp. 247 ff., 1889.

recommended separate treatment for all short sentences up to two years. The long terms are served under the "progressive" system.³

Perhaps the opinion of Quinton,4 in a recent work, may be taken as that of prison authorities in Great Britain. He tells us that the administration is relaxing the application of the separate system by "extending the benefits of associated labor to those whose sentences are long enough to enable them to profit by it." He thinks the cellular confinement at the beginning of the term might be shortened for well conducted prisoners; but the total abolition of the separate system would be a very retrograde proceeding. He declares that some prisoners, violent, dangerous, intractable and depraved cannot be classified and should be kept apart. Some decent men have contact with criminals and should be left alone. Further, a preliminary period of separation is necessary for the individual study of the prisoner, in order to know his disposition and aptitudes for industry. From his experience as governor of a prison for women he concludes that confirmed female criminals are "specially dangerous as corrupters of novices." This author is opposed to the common dining hall where "the eternal convict from whom there is no escape, is served up with meals and adds horrors to imprisonment for a considerable number of the better sort."

Perhaps the dominant French opinion is expressed by Cuche, an authority highly respected in France.⁵ He also traces the origin of the two systems in Italy, the Netherlands and England, the influence of Howard on the controversy and offers his own conclusions, on the whole in favor of a quite general use of the separate or cellular method. The arguments which he mentions have already been stated.

OBJECTIONS TO THE SEPARATE SYSTEM.

It is believed by the advocates of the system of association in penal institutions that the prisoner should not be left much alone, that solitude is for him an evil. It is thought, also, that the prime cost of building prisons on the separate plan is needlessly great. The chief objection urged by American practical men is that modern industry uses steam driven machinery. Such machinery cannot be used in cells, excent in a very restricted way. Therefore the output is too small to pay expenses and the work is not financially successful. Workmen cannot be combined in economic units as in a factory or mill. Growing out of

^{*&}quot;Der Oesterreichische Strafgesetzentwurf," by Professor Wenceslaus Gleispach, pp. 38-39 (Wien, 1910).

^{&#}x27;R. F. Quinton, M. D.: "Crime and Criminals," 1910, p. 234.

⁸Traité de Science et de Législation Pénitentiareis, 1905.

this situation is the further objection that the training of the separate system has no tendency to fit selfish men for social coöperation in actual life. Coöperation in industry, learning and intercourse is impossible in the separate prison which is built and must be administered on an entirely different basis from that of free society. The daily life must be essentially different from that of the community in which the man, if he is to be reformed, must learn to conduct himself as a good citizen. The economical argument is not the first consideration with American prison men, but the reformatory purpose has come to be the primary motive, especially for younger convicts.

In the United States we seem committed, so far as prisons for convicts are concerned, to some form of congregate life, with its basis in the Auburn type of structure.6

Mr. Z. R. Brockway has given us careful statements of his ripe conclusions in respect to the problem of the cell in prison discipline.

An admirable historical and critical account of the problem, in relation to the principles involved, is found in "Punishment and Reformation," Chapter VIII, by Dr. F. H. Wines; and other statements in Volume II of "Correction and Prevention," published by the Russell Sage Foundation (1911).

In a letter to the writer, dated December 4, 1910, he says: "The improvement if not remedy of our common county jail infamy would be promoted by:

(a) centralized state control of all prisons and prisoners; (b) prohibition of jail imprisonment for prisoners on final sentence, the exclusive use of jails and lockups for temporary detention of arrests and persons awaiting trial; (c) more expeditious trial and disposal of accused persons, and (d) suitable separate cellular confinement of each prisoner in the jails and lockups continuously until their disposal. Jails for detention of prisoners awaiting trial constructed on the principle of the Pennsylvania penitentiary plan need not be prohibitively costly. One for several counties will answer nowadays when we have such facilities for communication and transportation, and to the utmost possible, discipline in the district jails should restrict intercommunication among the jail denizens. denizens.

[&]quot;The truth is, neither the Pennsylvania system nor the Auburn system is suitable for all prisoners. The fundamental defect in all our theories about systems of prison treatment is want of consideration of classification of prisoners. Not so much separation in order to completely avoid any communication of classes, as for definite direction of the treatment. It is not the fact that "loss of liberty" of itself dissuades men from committing further antisocial acts. Also the deterrent general effect of liability of loss of liberty is insignificant, if of any deterrent influence. Reformation of personal habitude is impossible by any use of the Pennsylvania system and has not been accomplished under the Auburn system pure simple. The desirable social habit cannot be acquired in solitude, is not a probable result of the vegetative life in the cell, and the prating of professional visiting pietists and benevolent but untrained persons might be injurious, as often the good intention is temporary. The social habit can be cultivated not without association and must be by continuous practice of it. Mr. M. Cassady, for twenty years warden of the Eastern Pennsylvania Penitentiary, said at the Denver Prison Congress, replying to a public inquiry, that about four per cent of his prisoners were probably reformed. Prevention of any communication between the prisoners is impossible either under the Pennsylvania or the Auburn system, but under the cellular plan may be restricted and regulated, indeed may be made sensible. Wherever light and air come from a common source, there communication through such medium may be had. The corrupting communication under the Auburn system is systems of prison treatment is want of consideration of classification of pris-

USE OF THE CELL IN THE UNITED STATES.

It may be fairly concluded from all the data at hand that it is the concensus of the well-informed that the separate system should be used exclusively in all county jails and city lockups, places of detention for prisoners awaiting trial. It would seem reasonable under any form of the Auburn system which prevails with us, to provide separate cells for about ten per cent of the population in order that the warden or superintendent might be able to employ individual treatment as the peculiarities of prisoners require.

It is worth considering whether in the case of very long sentences the prisoner might have his choice of common life or individual cell after a certain period. Since, under any system, the cell is the essential unit of the prison, its structure and furniture, even to the minute details, must be carefully studied in the light of the widest experience. Some of the materials for a judgment and for experiment may be briefly outlined in this connection.

CELLS IN POLICE STATIONS AND JAILS.

A policeman in a certain American city objected to the demands of an instructed architect for light and ventilation of a police station where the prisoners remain only one night, saying: "These fellows are confined here only a few hours; why make such a fuss?" The architect quickly replied, "But the cell stays there all the time." Every new inmate is exposed to all the accumulated physical perils left by his predecessors. Study of the cell is the starting point of prison science.

There is no rational theory of punishment which justifies the cell as found in many of our police stations of detention and county jails. Let us accept, if we can, the simple savage answer given to demands for

attributable to faulty administration of the system. At the Connecticut state prison, under Amos Pilsbury, Nestor of the Auburn system, the prohibition of communication was actually enforced as thoroughly as ever it was under the Pennsylvania system in this country, but the Auburn system under the Pilsburys was only negatively reformative, that is to say, no additional criminousness from criminal contact was acquired during imprisonment under their management.

"The Pilsbury-Auburn system, supplemented with the cultural means as at Elmira, in the days of its greatest stress is the best plan for the corrigible convicts of a state, but where corrigible and incorrigible are confined in the same prison, regardless of age, crime or character, a combination of the Pennsylvania and the Auburn plans is needed, say ten per cent of cells of the former and ninety per cent of the latter. Classification would, of course, remove to appropriate quarters and treatment, the sick, demented, degenerate and indurated ariminals.

"Not much can be accomplished in reducing the volume of crimes until society by the aid of science will see to it that a really antisocial individual once apprehended shall never again, barring a margin of the inevitable, appear in the criminal dock."

improving the sanitary arrangements, only too common, that these arrested persons are all guilty, worthless, dirty and beyond redemption, and that any foul place is good enough for them. The answer is false, as court records show; but let it pass. Are we required, even on the "classical" theory of measured recompense in retribution for offense to inflict capital punishment for petty larceny or violation of a bicycle ordinance? Yet this—unknown to the public judges—is what our municipal police stations and county jails are doing every day in the year. The cell is a culture bottle of deadly microbes, and nothing but dense and stupid ignorance conceals the fact from the observer.

But, granting even the absurd and brutal demand for capital punishment for common offenders, have the policemen, guards and matrons no rights to protection from the germs of deadly diseases which are bred in these unwholesome cells? If they do not know enough of hygiene to realize their danger they still need protection against their own neglect. As most of them have plenty of exercise in the open air the evil is diminished; but those who live in these foul stations as guards and clerks and matrons are constantly exposed.

At any rate the public has a right and a duty. The inmates of stations, jails and prisons are constantly going out discharged to carry in lungs, hair and clothing the germs of loathsome and dangerous disease. Something might be said for the killing off the criminals with tuberculosis and pneumonia; there are writers who amuse themselves and give their readers a shock and thrill by advocating some such method of negative social selection by the extinction of the unfit. Unfortunately, while the prisoner is dying he infects others, and microbes are not plebeian; they are ready to migrate from low browed convicts to genteel aristocrats. The architecture of the cell is of public interest.

From this point of view the sanitary conveniences of the cell cannot be neglected. In several cities which boast fine churches, art galleries and opera seasons, one can find an open sewer with a sluggish current of water carrying vomit and fecal discharges from cell to cell to empty at last into a sewer. Where are the health authorities? Where are the judges and prosecuting attorneys? What are the churches and women's clubs doing to abate a nuisance which might be expected in a back country or medieval dungeon?

In defense of these barbarous devices which contradict what is taught in our elementary schools, we hear the plea that these offenders are untidy, filthy, mad with alcohol, and so they must be thrust into these holes and left in their filth on the stone floor or wooden bench till they awake from their drunken stupor. In the next cell may be a decent

country lad arrested on suspicion, sure to be discharged in the morning for want of evidence. In the ancient hospitals for the insane the officers locked up their patients to be free from their care. When physicians found that with trained nurses the dungeon was not necessary the patients could enjoy more wholesome surroundings. The filthy cell is a proof of insufficient care by attendants. Even a man temporarily insane through alcohol should be treated as a sick man. Surely in that state the word "punishment" has no meaning.⁸

CELLS OF PRISONS.

Of the arrangement of cells in tiers, corridors and blocks, and the relation of these to the general plan of the institution, there is not space in this article to write. Discussion of systems of lighting, ventilation and heating must also here be omitted. The purpose of the prison must determine many points in the structure of the cell. Thus in an establishment of the separate type (so-called Pennsylvania system) the cell must be large enough to serve not only for a sleeping apartment, but also for a living room, dining room and work room. In a cell of this type one may see the bed, the wall decorations, the book shelf, the canary in its cage, a pot of flowers and a work bench with the tools of a craft. On the other hand, if a prisoner can leave his room all day and occupy it simply for sleeping at night it need not be so large; the shop space is provided in a separate building. The cell for women may be somewhat larger than for men. The rooms in prisons for brief detention may be relatively small.

ENGLISH CELLS.9

The mixed, separated and congregate treatment is the basis of the English construction. The local cell must be large enough to admit use as a work place, and measures 13x7x9 feet, which gives 819 cubic feet of air space. The convict cell is for prisoners who occupy their cells for meals and sleeping and carry on their work elsewhere; the dimensions are 10x7x9 feet, giving 630 cubic feet of air space. The English surveyor also describes the hospital cell, special cell (for prisoners reported and under punishment), silent cell and padded cell. Special care is taken with cells for tubercular cases.

^{*}See report of Committee on Jails in the proceedings of the American Prison Association for 1907, at the Chicago meeting; published in *Charities and Commons* (now *The Survey*), March 21, 1908.

Also the report of the Illinois Charities Commission, 1911.

Paper by Major H. S. Rogers, R. E., Surveyor of Prisons in England and Wales, in *Bulletin de la Commission pénitentiare internationale*, XIII^e Livraison, 1910, pp. 81, ff.

Nothing is more vital to health than the method of disposing of human waste. In England water closets are not provided in cells for ordinary locations. A cell space, with water closet and slop sink and tap, has usually been provided on each landing. Sanitary conveniences are provided in annexes to shops and work rooms and the prisoners are urged to use these as far as possible and avoid the use of the water closets in the wings of their cell utensils.

The fixed furniture is a cast iron shelf attached to the wall, a table or shelf under the gas box. The outer wall is plastered with cement to reveal attempts of the prisoner to tamper with the wall or remove the bricks. A dado is painted around the cell. The ceiling is made secure with reinforced concrete. Each cell has an electric bell push to ring a gong and signal for a guard.

The windows of cells are of various patterns, the problem of providing light and air while preventing escape and communication requiring ingenuity. To get rid of heavy and unsightly guard bars the sash is cast in manganese steel, which does not break, but bends under a blow and files will not touch it. But these sashes cost more than cast iron. Clear glass is now used, unless the window looks upon a street or faces other cells. Major Rogers would depend on flue ventilation rather than on open windows, but says that the feeling that prisoners should have direct access to the outer air is growing, a fact which he ascribes to faddists. One would like to cross-question him as to what physicians think when they have studied the matter carefully. Ventilation flues can of course be given a forced draft even in summer either by a heated pipe or by fans.

In this able paper we are citing it is recommended that cell doors and door frames should be lined with sheet iron, and doors should open inward on account of narrow galleries.

For cell floors concrete, faced with granolith, or with 1½-inch blocks of pitch pine, is recommended. Stone is cold, difficult to keep clean, and wears unevenly. Tiles are open to similar objections. Slate is cold and dingy. Wooden planks decay and harbor vermin. Asphalt is cheap and clean, but some dislike its appearance. Electric lighting is most hygienic, but is often too expensive. The subjects of locks and general ventilation cannot be treated in this article.

Prussia has been building new prisons and rebuilding old ones in the light of modern science. The principles on which this work is now carried forward are stated by Dr. Krohne and the architect, R. Uber.¹⁰

The size of the individual cells should be at least 22 cubic meters

¹⁰Die Strafanstalten und Gefaengnisse in Pruessen, von Dr. Jus. C. Krohne und R. Uber, Berlin, Carl Heymann, 1901, Erste Teil, pp. XXVI-XXXVIII.

(777 cubic feet); in each story some larger cells of 30 cubic meters (1059.6 cubic feet) should be provided in order to give occupation in them to prisoners on work which requires a larger space. The best proportions for cells of 22 cubic meters are 2.10 meters (6 feet 9.9 inches) wide, 3.75 meters (12 feet 2 inches) long and 2.80 meters (7 feet 9.3 inches) high. The larger cells have a greater width. The floors, up to the time of building the prison in Gross-Strehlitz in 1885 to 1889, were made of wood. There for the first time an experiment was made with asphalt as a cover laid upon cement concrete for the cells of the first floor. In the later buildings the cells of the upper tiers were laid with asphalt. This covering was cheaper than a wood floor and had also the advantage that the height of the ceiling was diminished by the thickness of the floor cover; but it had the disadvantage that by warmth it became soft and anything placed upon it left an impression. For this reason, of late, in the prisons in Wittlich and Anrath clay surfaces are chosen, and this material can be brought in from the neighborhood at a low price. The walls were painted to a height of 1.50 meters (4 feet) with oil paint and the rest of it was whitewashed.

The doors, 0.76 meters (2 feet 5.5 inches) wide and 1.85 meters (5 feet 9.9 inches) high, open outward and are covered on the inside with sheets of iron. The door enclosure is walled. When this is well made this door frame is sufficient to provide a secure closing of the door and has the advantage of great cheapness. While the stone door jamb which was formerly customary cost up to 60 marks, and in the new south German prisons, 96 marks, and the customary frame of wood required up to 30 marks, this walled door frame costs only about 6 marks. The windows are one square meter in size and the upper half is arranged to let down.

Instead of folding bedsteads the so-called table bedstead is used in the newer prisons. The sleeping cells, which also serve for separate cells for sentences up to two weeks, should contain 11 cubic meters air space. The best dimensions are 1.30 meters (4 feet 3.4 inches) broad, 2.80 meters (9 feet 2.3 inches high) and 3 meters (9 feet 10.2 inches) long. For the opening of the door a breadth of 66 centimeters (26 inches) is sufficient. The arrangement corresponds with those of the individual cells. The reception cells correspond in dimensions to the sleeping cells. The punishment cells, corresponding in size and dimension to the individual cells, are divided lengthwise by a door 76 centimeters (29.7 inches) wide provided with a grill. On one side lies the door to the floor and the window one square meter in size. On the other side is placed the bed designed for the prisoner, which is merely a bed of boards. All cells have

an arrangement in front by which the prisoners can let fall a disk fastened to the wall and by knocking on the door can call a guard. Electrical or mechanical gongs are not supplied on account of disciplinary reasons and cost. A common work room for 30 prisoners about 90 square meters (958.7 square feet) in size is supplied with grated windows. The wash cells have the size of the individual cells. A large cast iron hopper, with water connections and subterranean drain, serves for cleansing the vases and receiving the dirty water. The bath room for the officers has zinc tubs and each one has a heating stove. In the bath room for the prisoners about 10 to 12 divisions are supplied with spray and each one is large enough to give room for a tub.

The disinfecting of the soiled clothing is effected by steam.

Note.—Dr. Krohne discusses the cell in his earlier work: Lehrbuch der Gefaengnisskunde, p. 301 (1880), and also in his article, "Die Gefaengnisskunde" in von Holtzendorff and von Jagemann, Handbuch des Gefaengnisswesens, Vol. I, p. 499 (1888). Compare F. H. Wines, Punishment and Reformation, whom Cuche compliments by citing in his Traité de Science et de Législation Pénitentiaires, p. 309 (1905). In the Acts lu Congrés Pénitentiaire International de Rome (1885), Tome III, may be found numerous drawings and plans of prisons and cells in many countries.